

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

April 6, 2009
8:00 p.m.

Council Chamber
Bellevue, Washington

PRESENT: Mayor Degginger, Deputy Mayor Balducci, and Councilmembers Bonincontri, Chelminiak, Davidson, and Lee

ABSENT: Councilmember Noble

1. Call to Order

The meeting was called to order at 8:03 p.m., with Mayor Degginger presiding.

2. Roll Call, Flag Salute

Upon roll call, all Councilmembers except Councilmember Noble were present. Deputy Mayor Balducci led the flag salute.

(a) Proclaiming April 18 as Earth Day/Arbor Day

Christina Krueger, a Park Ranger stationed at Lewis Creek Park, announced that Bellevue has received its 18th Tree City USA Award and 16th Growth Award. She encouraged Council and the public to participate in Earth Day/Arbor Day activities at Lewis Creek Park on Saturday, April 18.

Sarah Griffith, Urban and Community Forestry Program Manager, Washington State Department of Natural Resources, presented the Tree City USA awards to the Council.

Mayor Degginger read a proclamation declaring April 18, 2009 as Earth Day/Arbor Day in Bellevue, and presented the proclamation to Parks and Community Services Director Patrick Foran.

(b) Proclaiming Child Abuse Prevention Month

Gayle Zawaideh, representing the Children's Response Center, thanked the Council for its continued support. During 2008, Child Protective Services investigated 243 claims of child abuse within Bellevue. The Children's Response Center had the opportunity to help 85 of those families.

Mayor Degginger read a proclamation recognizing April as Child Abuse Prevention month.

3. Communications: Written and Oral

- (a) Walter Scott, Legacy Commercial, provided testimony and submitted his comments in writing regarding land use zoning in the Bel-Red corridor.

Mayor Degginger asked staff to get back to Mr. Scott regarding his comments and concerns.

- (b) Ali Biria reported that on April 1 he met with Connie Marshall, former Bellevue Mayor and former member of the Sound Transit Board. He said she shares his concerns regarding the light rail cut and cover option along 106th Avenue in downtown Bellevue. Mr. Biria reiterated his concerns that this option will destroy small businesses and property owners. He supports Sound Transit's proposed 110th Avenue alignment.
- (c) Gary Albert, Somerset Community Association, submitted a letter from the Association expressing support for the neighborhood's 2007 Neighborhood Enhancement Program (NEP) project. He thanked City staff for their work on the project and with the community.
- (d) Jennifer McCausland, Executive Director of the Bellevue Philharmonic, provided an update on the Philharmonic and described its current financial crisis. She was recently informed by City staff that the City's annual contribution to the organization will be reduced from \$17,000 to \$3,000, which makes the Bellevue Philharmonic's activities unsustainable. She requested Council action to provide immediate financial assistance to maintain the Philharmonic's operations.

Responding to Mayor Degginger, Deputy City Manager Brad Miyake said staff will provide a report on the Philharmonic's situation next week.

- (e) Ian Elliott advocated for a small skate board park at Ashwood Park.

4. Reports of Community Council, Boards and Commissions

Mike Nesteroff, Hopelink Board of Directors, provided an update on the agency's activities and the increasing demand for its services during the current economic downturn. He noted that Hopelink appreciates the recent new influx of volunteers. He asked the community to support the End Summer Hunger campaign which begins April 17. Mr. Nesteroff invited the Council and the public to the annual Reaching Out Luncheon on October 19 at the Bellevue Hyatt.

5. Report of the City Manager

- (a) Management Brief – Update on 2008 Crime Statistics

Brad Miyake, Deputy City Manager, provided introductory comments regarding the 2008 Crime Statistics Report.

Police Chief Linda Pillo reported on crime and traffic collision statistics for 2008, noting that crime rates have remained about the same since 1999 despite population growth in the community. Motor vehicle theft has decreased for the fourth year in a row due to the Police Department's enhanced emphasis in this area. There have been no homicides in Bellevue for the past two and a half years. Overall, the seriousness of violent crimes (i.e., injuries, loss of property) decreased from 2007 to 2008, despite a slight increase in the total number of crimes.

Chief Pillo thanked the Council for its support of the Police Department and commented on the importance of having everyone involved, including citizens, in maintaining a safe community.

(b) Management Brief – Update on Bellevue Golf Course Driving Range Improvements

Parks and Community Services Director Patrick Foran provided an update on the Bellevue Golf Course driving range improvements project. In looking at the golf course's ability to raise new revenues, it was clear that the driving range was the one area that had the greatest opportunity for significant revenue enhancements. Mr. Foran said staff is beginning the public outreach process associated with the project, which will require a conditional use permit.

Responding to Councilmember Davidson, City Attorney Lori Riordan explained that the conditional use permit application could become a quasi-judicial matter if there is a decision to grant the permit, and that decision is then appealed by a citizen.

Responding to Deputy Mayor Balducci, Ms. Riordan said the matter is not considered quasi-judicial unless and until it comes before the Council on appeal. If that occurs, Councilmembers should not have any ex parte contacts with either proponents or opponents of the proposal. If ex parte contacts occur, Councilmembers must disclose them as a matter of public record.

Responding to Councilmember Davidson, staff said the driving range will be expanded to a two-tier structure.

As a final item, Mr. Miyake said staff would like to postpone Council consideration of Agenda Item 8(d) on the Consent Calendar.

6. Council Business and New Initiatives

Councilmember Davidson attended the Regional Water Quality Committee meeting. He attended the Bellevue Environmental Services Commission meeting, and noted the Commission's support of Option A regarding NPDES (National Pollutant Discharge Elimination System) permit compliance activities.

Councilmember Chelminiak chaired the meeting of the Puget Sound Economic Development District and attended the Bellevue LEOFF 1 Disability Board meeting.

Deputy Mayor Balducci reported on the Puget Sound Regional Council (PSRC) transportation project prioritization process.

Mayor Degginger attended events related to the I-405/NE 10th Street overpass project and the I-405/SR 520 braided ramp project.

7. Approval of the Agenda

→ Councilmember Chelminiak moved to approve the agenda, and Deputy Mayor Balducci seconded the motion.

→ The motion to approve the agenda carried by a vote of 6-0.

8. Consent Calendar

→ Deputy Mayor Balducci moved to approve the Consent Calendar, amended to remove Item 8(d) as requested by staff, and to correct the minutes of the February 23 Extended Study Session to reflect that she was in attendance. Councilmember Chelminiak seconded the motion.

→ The motion to approve the Consent Calendar, as amended, carried by a vote of 6-0, and the following items were approved:

- (a) Minutes of February 9, 2009 Extended Study Session
Minutes of February 17, 2009 Study Session
Minutes of February 17, 2009 Regular Session
Minutes of February 23, 2009 Extended Study Session *[Revised to reflect that Deputy Mayor Balducci was present at the meeting.]*
- (b) Ordinance No. 5863 authorizing execution of a grant agreement with Puget Sound Energy establishing a Resource Conservation Manager program; accepting grant funds in the amount of \$86,000 over a three-year period; creating a project within the Operating Grants, Donations, and Special Reserves Fund; appropriating unanticipated and future revenues to the Fund; and authorizing the expenditure of said grant funds.
- (c) Resolution No. 7906 setting May 4, 2009 as the date for a public hearing to consider the vacation of a portion of SE 8th Street east of Bellevue Way SE and a portion of 105th Avenue SE south of SE 8th Street.
- (e) Motion to approve payment of claims for the period March 14, 2009 through April 3, 2009 and payroll for the period March 1, 2009 through March 15, 2009.
- (f) Ordinance No. 5864 authorizing Amendment Nos. 3 and 4 to the State of Washington, Recreation and Conservation Office (RCO) for Outdoor Recreation's Washington Wildlife and Recreation Program (WWRP) 2006 Grant Project Agreement to: 1) increase the grant by \$120,444.10; 2) extend the grant to April 30, 2009; and 3) increase the project budget by \$120,444.10 (P-AD-15).

- (g) Motion to disqualify low bid as non-responsive and Award Bid No. 9028 to JP Landscape Services, Inc., in the amount of \$149,402.06, as the lowest responsive and responsible bidder for the Somerset Entrance Fountain Replacement (NEP-1).
- (h) Resolution No. 7908 authorizing execution of a five-year extension of the lease agreement with Terranomics Crossroads Associates, for the Crossroads Mini City Hall, for an annual lease payment of \$13,000.
- (i) Motion to Award Bid No. 9020 for the 2009 Overlay Program, to Lakeside Industries, in the amount of \$2,919,870.62, as low bidder for the repair and resurfacing of 28.4 lane-miles of roadway (Streets Overlay CIP Plan PW-M-1).
- (j) Resolution No. 7909 authorizing execution of a professional services agreement for the 2009 Pavement Distress Survey, with Measurement Research Corporation, in the amount of \$105,027.00 (CIP Plan No. PW-M-1).
- (k) Motion to Award Bid No. 9000, Main Street Walkway Project, to Merlino Brothers, LLC, in the amount of \$37,071.00, as the lowest responsible and responsive bidder, to install an at-grade walking area, separated by curbing, on the north side of Main Street from 156th Avenue to 158th Place, and a left turn lane for westbound traffic at the 156th Avenue traffic signal.
- (l) Resolution No. 7910 authorizing approval of payment of \$32,775.60 for final settlement of a claim filed against the City for property damage to the Locklear residence caused by a surface water system failure.
- (m) Motion to award Bid No. 9007 for Pressure Reducing Valve (PRV) Replacement 2009, Phase 1 to D & G Backhoe, Inc., in an amount not to exceed \$72,401.04, as low bidder (CIP Plan No. W-67).
- (n) Motion to award Bid No. 9021 for Trenchless Storm Drain Pipe Rehabilitation, to Bonner Brothers Construction, Inc., in the amount of \$70,032.50, as low bidder (CIP Plan No. D-64).
- (o) Resolution No. 7875 authorizing execution of a four-year Professional Services Agreement with Yates, Wood & MacDonald, Inc., for property management services at the Bayvue Village Apartments.

Item Postponed:

- (d) Resolution No. 7907 authorizing execution of a seven-year lease agreement with NORCOM for space within City Hall for the purpose of operating a regional communications center.

9. Public Hearings: None.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions

- (a) Motion to approve an increase to the construction contract with KLB Construction Inc. (Bid No. 8174) by \$182,000 to \$1,142,112.50, for SE 26th Street/Somerset Avenue SE Sidewalk Project, as part of the Supplemental CIP Neighborhood Sidewalk Program (CIP Plan No. PW-W/B-76).

David Berg, Transportation Deputy Director, reviewed the request to increase the construction contract with KLB Construction for the SE 26th Street/Somerset Avenue SE sidewalk project. He explained that a number of underground utility conflicts arose along the SE 26th Street segment. Mr. Berg responded to brief questions of clarification. The contractor hopes to complete the project this week, weather permitting.

Responding to Councilmember Lee, Mr. Berg explained that most of the cost increase is due to the extra excavation work associated with the underground utilities. The roadway was annexed from King County in 2002. Staff relied on the County's as-built drawings to identify the storm and sanitary sewer systems, which were not accurately reflected on the drawings.

Responding to Councilmember Chelminiak, Mr. Berg said it would be difficult to assign fault for the inaccuracies and unanticipated conditions to one entity. The City completed pot-holing during the project design, but it is typically not possible to determine every detail when dealing with underground utilities.

→ Deputy Mayor Balducci moved to approve an increase to the construction contract with KLB Construction Inc. (Bid No. 8174) for the SE 26th Street/Somerset Avenue SE Sidewalk Project. Councilmember Bonincontri seconded the motion.

→ The motion to approve the construction contract increase carried by a vote of 6-0.

- (b) Ordinance No. 5865 amending the Environmental Procedures Code, Chapter 22.02 BCC, for consistency with the City's critical areas regulations, revising categorical exemptions consistent with WAC 197-11-908, clarifying which categorical exemptions apply in critical areas, and incorporating the critical areas overlay to section 22.02.140 BCC.

Catherine Drews, Legal Planner, referenced meeting packet materials beginning on page 11-7, and recalled that this item was discussed with the Council on March 23. Ordinance No. 5865 amends the Environmental Procedures Code for consistency with the City's 2006 Critical Areas Ordinance.

→ Deputy Mayor Balducci moved to adopt Ordinance No. 5865, and Councilmember Chelminiak seconded the motion.

→ The motion to adopt Ordinance No. 5865 carried by a vote of 6-0.

- (c) Ordinance No. 5866 and Ordinance No. 5867 amending sections of the City of Bellevue's Land Use Code to implement Comprehensive Plan amendments adopted in February, 2008 regarding Courter Enterprises and Factoria SRO.

Land Use Director Carol Helland recalled that the proposed Land Use Code amendments were presented to the Council on March 23. Ordinance No. 5866 and Ordinance No. 5867 are described in the meeting packet beginning on page 11-15. The Land Use Code amendments contained in the two Ordinances provide consistency with the Courter Enterprises Comprehensive Plan Amendment (CPA) and the Factoria SRO CPA previously adopted by the Council.

→ Deputy Mayor Balducci moved to adopt Ordinance No. 5866 and Ordinance No. 5867, and Councilmember Bonincontri seconded the motion.

→ The motion to adopt Ordinance Nos. 5866 and 5867 carried by a vote of 6-0.

- (d) Ordinance No. 5868 adding a new Chapter 11.49 to the City Code authorizing the use of automated traffic safety and school speed zone cameras for issuance of notices of red light infractions at arterial intersections and speeding infractions at elementary schools within the city limits; authorizing execution of a five-year agreement with American Traffic Solutions, Inc. (ATS) to provide red light and school zone photo enforcement services; and amending the 2009-2010 General Fund budget by increasing the appropriation by \$588,000.

[Discussed with the Council on September 17 and December 10, 2007. A public hearing was held on December 10, 2007.]

Deputy City Manager Brad Miyake opened discussion regarding Ordinance No. 5868, which authorizes the use of automated red light and speed zone enforcement cameras and the execution of a five-year agreement with American Traffic Solutions.

Police Chief Linda Pillo introduced Captain Mike Johnson to provide the staff report. Captain Johnson recalled that the use of traffic enforcement cameras was discussed with the Council on September 17 and December 10, 2007. A public hearing was held on December 10 as well. In March 2008, the Council directed staff to move forward with the selection of a vendor.

Captain Johnson announced that American Traffic Solutions (ATS) has been selected as the project vendor. Red light enforcement cameras will be provided at six intersections, and traffic speed cameras will be provided in three school zones (Stevenson, Lake Hills, and Sunset). Captain Johnson briefly reviewed performance measurements to be used to evaluate the effectiveness of the program [Page 11-22 of meeting packet]. The program costs will be covered by the fines generated through enhanced enforcement.

Responding to Councilmember Lee, Captain Johnson recalled that early discussions about photo camera enforcement were focused on red lights at intersections. Speed enforcement in school

zones was added later based on the effectiveness of the technique in other jurisdictions. Captain Johnson said more analysis is needed to identify the specific camera locations.

Councilmember Chelminiak expressed support for the program. However, he would like to schedule a future Council discussion regarding potential uses for the revenue including intelligent transportation systems, school safety programs, and neighborhood traffic calming.

Mayor Degginger questioned the five-year term for the vendor agreement. Carl Krikorian, Police Fiscal Manager, explained that the Finance Director granted an exception to the City's four-year contracting policy due to the capital investment required by the vendor to install the cameras. Mayor Degginger recalled the original intent that this would be a pilot program. Mr. Krikorian said the concept of a 12-month pilot program is still in place. The agreement provides the option to terminate for convenience after 12 months, with a six-month payment of additional fees.

Mayor Degginger directed staff to provide a report on the program's performance measures before the end of the 12-month period. Responding to Mr. Degginger, City Attorney Lori Riordan advised that it is not necessary to change the Ordinance to reflect this direction from the Council.

→ Deputy Mayor Balducci moved to adopt Ordinance No. 5868, and Councilmember Chelminiak seconded the motion.

Responding to Councilmember Davidson, Captain Johnson explained that the Police Department and the vendor have a strong commitment to informing and preparing the public for the implementation of traffic enforcement cameras. This will include signage and a 30-day warning period upon initial installation.

Councilmember Lee feels it is important to communicate to the public that this is a pilot program, and that the purpose is to improve safety and not to generate revenue.

Deputy Mayor Balducci expressed support for the motion, and noted that safety is a top priority, especially around schools. She would like a report on the performance measures six months into the program, and at six-month intervals after that.

Mayor Degginger stated that the program is not as it was originally presented. He wants to proceed carefully and to take the opportunity to learn from neighboring jurisdictions. He also wants to be sure that the public is adequately informed, and that there is a good working relationship with the vendor.

Captain Johnson explained that if approved by Council tonight, it will be 90 to 120 days before the cameras are activated. Staff will provide reports at six-month intervals as directed by the Council.

Councilmember Davidson expressed support for the motion. While he was not in favor of the concept initially, he supports the program to benefit public safety.

→ The motion to adopt Ordinance No. 5868 carried by a vote of 6-0.

12. Unfinished Business: None.

13. Continued Oral Communications: None.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

At 9:38 p.m., Mayor Degginger declared the meeting adjourned.

Myrna L. Basich
City Clerk

/kaw